

JPW

Atty. Dkt. No. 016790-0428



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Holger BIRK et al.  
Title: METHOD AND INSTRUMENT FOR MICROSCOPY  
Appl. No.: 09/881,049 ✓  
Filing Date: 06/15/2001  
Examiner: B. Healy  
Art Unit: 2883

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

MAIL STOP: ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

### **TIMING OF THE DISCLOSURE**

**The RCE was filed on October 29, 2004 along with a request that prosecution be suspended for three months and the required RCE and suspension fees. Applicants requested suspension in order to prepare and file this Information Disclosure Statement to cite (out of an abundance of caution) all of the prior art in the related cases (the related cases were identified in the November 9, 2001 IDS). Because this IDS is being filed during a period of suspension immediately following an RCE, this IDS is timely.**

### **RELEVANCE OF EACH DOCUMENT**

Document B34 discloses a device for feeding a UV laser into a confocal laser scanning microscope. Documents B2 and B34 claim priority based on the same first-filed applications.

Document B35 discloses a short pulse laser in a microscopic radiation path coupling device for a scanning microscope. Document B14 claims priority based on document B35.

Document B36 discloses an optical arrangement with a spectrally selective element for use in the beam path of a light source suitable for stimulation of fluorescence, preferably a confocal laser-scanning microscope.

Document B37 discloses a beam splitter for use in a laser scanning microscope.

Document B38 discloses a luminescence-scanning microscopy process and a luminescence scanning microscope utilizing picosecond or greater pulse lasers. Document B22 claims priority based on document B38.

English translations of the foreign-language documents are not readily available. However, English language abstracts are provided herewith. Consequently, the foreign language documents have been submitted in compliance with the PTO requirements and,

therefore, the document should be considered by the Examiner (37 CFR §1.97, §1.98 and MPEP §609).

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

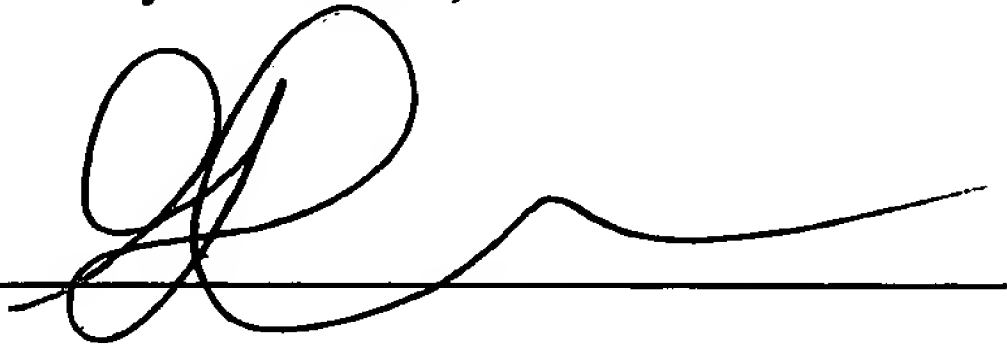
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date January 13, 2005

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5426  
Facsimile: (202) 672-5399

By

A handwritten signature in black ink, appearing to be 'Glenn Law', written over a horizontal line.

Glenn Law  
Attorney for Applicant  
Registration No. 34,371

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> Date Submitted: January 13, 2005 (use as many sheets as necessary)			<b>Complete if Known</b>	
			Application Number	09/881,049
			Filing Date	06/15/2001
			First Named Inventor	Holger BIRK
			Group Art Unit	2883
			Examiner Name	B. Healy
			Attorney Docket Number	016790-0428
Sheet <b>51</b>	of	2		

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Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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(use as many sheets as necessary)

Sheet

of

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Application Number	09/881,049
Filing Date	06/15/2001
First Named Inventor	Holger BIRK
Group Art Unit	2883
Examiner Name	B. Healy
Attorney Docket Number	016790-0428

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	B32	WO	00/49435	A1	THE UNIVERSITY OF BATH	08-24-2000		
	B33	EP	0 592 089	B1	THE REGENTS OF THE UNIVERSITY OF CALIFORNIA	07-08-1998		
	B34	DE	44 46 185	A1	LEICA LASERTECHNIK	02-29-1996		Abst.
	B35	DE	196 22 359	A1	CARL ZEISS JENA GMBH	12-11-1997		Abst.
	B36	DE	199 06 757	A1	LEICA MICROSYSTEMS	12-02-1999		Abst.
	B37	DE	198 29 954	A1	CARL ZEISS JENA GMBH	01-05-2000		Abst.
	B38	DE	44 14 940	A1	STEFAN HELL ET AL.	11-02-1995		Abst.

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	B39	J. Ranka et al., "Visible Continuum Generation in Air-Silica Microstructure Optical Fibers with Anomalous Dispersion at 800 nm," Optics Letters, Jan. 2000, Vol. 25, No. 1, pages 25-27.	
	B40	R. F. Cregan et al., "Single-Mode Photonic Band Gap Guidance of Light in Air," Science, Vol. 285, Sept. 3, 1999, pages 1537-1539.	
	B40	S.E. Barkou et al., "Silica-Air Photonic Crystal fiber Design that Permits Waveguiding by a True Photonic Bandgap Effect," Optics Letters, Vol. 24, No. 1, January 1, 1999, pages 46-48.	

**Examiner  
Signature**
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